

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GERMANIA GARZON, as Administrator of the Estate of  
her husband Oscar Garzon, deceased, and GERMANIA  
GARZON, Individually,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.

No. 21 Civ. 5524 (AEK)

WRONGFUL DEATH COMPROMISE  
AND DISTRIBUTION ORDER

Upon reading and filing the Petition of Germania Garzon, as Administrator of the Estate of Oscar Garzon, Deceased, duly verified, on July 21, 2023, and upon the *exhibits* annexed hereto, and the Waiver and Consent of Oscar Garzon, Jr. acknowledged July 21, 2023, and the Waiver and Consent of Germania E. Garzon, acknowledged July 21, 2023 and the Attorney's Affirmation of Carmine A. Rubino, sworn to the 21st day of July, 2023, praying for the Court's approval, pursuant to the Federal Tort Claims Act and Local Civil Rule 83.2(b), of an order to permit Germania Garzon, as Administrator of the Estate of Oscar Garzon, and individually to compromise and settle for the Settlement Amount of \$150,000.00 with defendant United States of America, a cause of action entitled "Germania Garzon, as Administrator of the Estate of Oscar Garzon, deceased, and Germania Garzon, Individually, Plaintiff, against United States of America, Defendant", for all plaintiff's claims in that action, and to discharge and release said Defendant from all suits and claims upon payment of the said \$150,000.00 in full settlement of the cause of action herein, and to pay to Kramer, Dillof, Livingston & Moore, Esqs their fee for services in the amount of \$37,500.00 together with disbursements of \$12,500.00 for a total of \$50,000.00, the net settlement proceeds of \$100,000.00, after deduction of the attorney's fees and

disbursements, to discharge and release said defendant from all suits and claims upon payment of the said \$150,000.00 in full settlement of the cause of action herein,

WHEREAS that the parties will enter into a Stipulation and Order of Settlement and Dismissal setting forth terms of the settlement;

And upon the pleadings and proceedings had herein and upon due deliberation, NOW IT IS HEREBY

ORDERED, that the Court approves the compromise and settlement of the claim entitled "Germania Garzon, as Administrator of the estate of Oscar Garzon, deceased, and Germania Garzon, Individually, Plaintiff, against United States of America, Defendant" for the Settlement Amount of \$150,000.00 (one hundred and fifty thousand dollars) in full and final settlement of the plaintiff's claims in this action; and it is further

ORDERED, that the administrator is authorized and permitted to settle and compromise said claim; and to delivery of general releases and discontinuances and any other documents that may be required to effectuate a settlement and discontinuances and withdrawals of the said claims; and it is further

ORDERED, that plaintiff Germania Garzon is authorized to pay Kramer, Dillof, Livingston & Moore, Esqs. out of the settlement proceeds the sum of \$37,500.00 as and for their attorney's fee in accordance with 28 U.S.C. 2678, together with \$12,500.00 for their attorneys' disbursements; and it is further

ORDERED, that in consideration for Plaintiff's acceptance of the terms and conditions of the settlement and this Stipulation, the United States agrees to pay the case sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) (hereinafter, "Settlement

Amount”) as follows:

Within ten business days after the attorney of record for the United States receives (1) Stipulation for Compromise Settlement and Release of Claims signed by all parties to said document; (2) a Compromise Order approving the settlement on behalf of the estate of Oscar Garzon; (3) payment information from Plaintiff’s counsel; and (4) a Dismissal Order dismissing this Action with prejudice, counsel for the United States will send a request to the appropriate agency official or component requesting that the Settlement Amount be sent by electronic fund transfer payable to Kramer, Dillof, Livingston & Moore, attorneys for Plaintiff. Kramer, Dillof, Livingston & Moore, Esqs. shall receive from of the settlement proceeds the sum of \$37,500.00 as and for their attorney's fee in accordance with 28 U.S.C. § 2678, together with \$12,500.00 for their attorneys' disbursements, and the balance of the settlement proceeds of \$100,000.00 are to be distributed to Plaintiff Germania Garzon,

SO ORDERED:



Hon. Andrew E. Krause

Dated: July 27, 2023